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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/664,280	09/17/2003	Ciprian Agapi	BOC9-2003-0060 (434)	4539
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AKERMAN SENTERFITT P. O. BOX 3188 WEST PALM BEACH, FL 33402-3188			EXAMINER LEWIS, ALICIA M	
			ART UNIT 2164	PAPER NUMBER
			MAIL DATE 09/10/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/664,280

Applicant(s)

AGAPI ET AL.

Examiner

Alicia M. Lewis

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2164

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 June 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.


SAM RIMELL
PRIMARY EXAMINER

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |



DETAILED ACTION

This office action is responsive to communication filed June 20, 2007. Claims 1, 8 and 16 are currently amended; thus claims 1-18 remain pending in this application.

Claim Rejections - 35 USC § 112

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 1-18 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter that was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Independent claims 1, 8 and 16 all recite the terms "callflow development system" and "callflow development graphical user interface." Both of these terms are unclear, and neither is defined in the specification. In fact, the specification only mentions the term "callflow development" on page 1, paragraph 2, and page 3 paragraph 12. There is no explanation or description of a callflow development system or graphical user interface in either instance.  

3. Claims 2-7, 9-15, 17 and 18 are rejected as being dependent upon rejected base claims 1, 8 and 16.

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

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The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1-18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

6. The term "callflow development" in claims 1, 8 and 16 is unclear. Appropriate correction is required.

7. Claims 2-7, 9-15, 17 and 18 are rejected as being dependent upon rejected base claims 1, 8 and 16.

8. Because the term "callflow development" has not been defined, for the purposes of examination, a callflow development system will be any system operable to send/receive data, and a callflow development graphical user interface will be any graphical user interface operable to develop and/or access data.

Claim Rejections - 35 USC § 102

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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10. Claims 1, 3, 5, 7, 8, 10, 12, 14, 16 and 18 are rejected under 35 U.S.C. 102(e) as being anticipated by Mock et al. (US Patent Application Publication 2004/0125142 A1) ('Mock').

With respect to claims 1, 8 and 16, Mock teaches:

receiving a call flow development system request to visually display in a callflow development graphical user interface the grammar files in the presentation list (Figure 7, paragraphs 20 and 21);

sorting the grammar files based on a first criterion that assigns user-defined grammar files greater priority over built-in grammar files (elements 214, 216, 1102, 1104 and 1106 in Figure 11, paragraph 32);

sorting the grammar files according to a second criterion (Figures 11 and 12);
and

simultaneously displaying user-defined grammar files and the built-in grammar files within the presentation list such that each user-defined grammar file is visually distinguishable from each built-in grammar file by presenting elements of the built-in grammar files and elements of the user-defined grammar files as a sequential list of elements wherein elements of the user-defined grammar files are presented ahead of elements of the built-in grammar files (Figures 11 and 12, paragraphs 21-22 and 32-33).

The first criterion is sorting based on user (i.e., mother, father, son and daughter). The files are sorted by having different backgrounds. The user-defined files (reference user's/mother's calendar events) are given greater priority by having the

associated comments (214 and 216) shown with their messages (220 and 222). The second criterion is sorting by time.

The limitation of “presenting elements of the built-in grammar files and elements of the user-defined grammar files as a sequential list of elements wherein elements of the user-defined grammar files are presented ahead of elements of the built-in grammar files” represents nonfunctional descriptive material and holds no patentable weight. The MPEP states that nonfunctional descriptive material “includes but is not limited to music, literary works, and a **compilation or mere arrangement of data**”. It further states that USPTO personnel should determine whether the claimed nonfunctional descriptive material be given patentable weight. (See MPEP 2106.01 and *In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 403-04 (Fed. Cir. 1983).

In the present application, the manner in which the files are presented in a list merely represents an arrangement of data, and does not change/impart any functionality of the system/computer. Therefore, the limitation holds no patentable weight because it only represents nonfunctional descriptive material.

With respect to claims 3 and 10, Mock teaches wherein the step of visually displaying comprises presenting the presentation list such that each grammar file is labeled with a label indicating whether the grammar file is a user-defined grammar file or a built-in grammar file (Figures 11 and 12, paragraphs 32 and 33).

Mock teaches that the files are labeled by having unique backgrounds.

With respect to claims 5 and 12, Mock teaches wherein the user-defined grammar files and the built-in grammar files can share the same name (element 228 in Figures 2-5).

With respect to claims 7, 14 and 18, Mock teaches wherein the second criterion is a chronological order (Figures 11 and 12).

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claims 2, 4, 6, 9, 11, 13, 15 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mock et al. (US Patent Application Publication 2004/0125142 A1) ('Mock') in view of Gusmorino et al. (US Patent Application Publication 2005/0251748 A1) ('Gusmorino').

With respect to claims 2 and 9, Mock teaches displaying the grammar files (Figure 11).

Mock does not teach wherein the method further comprises the step of displaying the grammar files when a user selects the grammar files.

Gusmorino teaches a system and method for viewing and editing multi-value properties (see abstract), in which he teaches wherein the method further comprises the step of displaying the grammar files when a user selects the grammar files (Figure 4, paragraph 63).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Mock by the teaching of Gusmorino because displaying the grammar files when a user selects the grammar files would enable an improved way of handling the display of properties, and of managing multi-value properties, to simplify the user's experience in navigating and managing files on a computing system (Gusmorino, paragraph 7).

With respect to claims 4 and 11, Mock as modified teaches wherein the step of visually displaying comprises presenting the presentation list such that each grammar file is presented in a text format that indicated whether the grammar file is a user-defined grammar file or a built-in grammar file (Gusmorino, paragraph 123).

With respect to claims 6, 13 and 17, Mock as modified teaches wherein the second criterion is an alphabetical order (Gusmorino, paragraph 141).

With respect to claim 15, Mock as modified teaches wherein the presentation list is at least one among a drop-down list and a list box (Gusmorino, Figure 27, paragraphs 108 and 149).

Response to Arguments

13. Applicant's arguments filed June 20, 2007 have been fully considered but they are not persuasive. Applicant argues that Mock does not perform any type of sorting that would create a visual distinction between user-defined grammar files and built-in grammar files of a callflow system. Examiner disagrees. Mock teaches in paragraph 32 that mother's events (the reference user) have a visually distinct background from father, son and daughter's events.

14. Applicant further argues that Mock does not provide any mechanism whereby user-defined grammar files are afforded a greater priority over built-in grammar files, and further that distinguishing a reference user's calendar events from calendar events associated with other users does not prioritize one event from another. Examiner disagrees. Mock teaches that a reference user's (mother) messages along and their associated comments are displayed, while a non-reference user's (daughter) messages are displayed without comments (paragraph 32). Therefore, the reference user's messages are given a greater priority because the associated comments are shown with the messages. Because the daughter is not the reference user, she is not given that priority and her comments are suppressed. If applicant has a different interpretation of the word "priority" he/she must clearly define it in the claims, otherwise, the broadest reasonable interpretation is given.

15. Applicant also argues that Mock does not teach wherein the files are presented in a sequential list, and user-defined files being presented ahead of built-in files. Again,

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this limitation represents an arrangement of data (nonfunctional descriptive material), and thus holds no patentable weight.

16. Applicant's arguments with respect to claim 16 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

17. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alicia M. Lewis whose telephone number is 571-272-5599. The examiner can normally be reached on Monday - Friday, 9 - 6:30, alternate Friday off.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Rones can be reached on 571-272-4085. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Alicia Lewis
August 31, 2007


SAM RIMELL
PRIMARY EXAMINER